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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,458	09/25/2003	Dar-Hsiang Cheng	AMI-2573	4609

7590 09/10/2004
Dar-Hsiang CHENG
P.O. Box 90
Tainan City, 704
TAIWAN

EXAMINER

LERNER, AVRAHAM H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,458

Applicant(s)

CHENG, DAR-HSIANG

Examiner

Avraham Lerner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In the last 3 lines of claim 1, it is unclear what is meant by the limitation “needless to make various molds for producing various components....” and how this relates to the patentability of the claimed structure.
4. In line 8 of claim 2, it appears that the claim may be missing words, rendering its ultimate scope unclear, specifically “to rotate said differential gear to;”.
5. It appears that in line 12 of claim 2, “wheel” should read “wheels”.
6. As in claim 1, the recitation found in lines 23-25 of claim 2, “thus able to save cost in making various molds for producing various components to match with different running speeds of a car” is unclear.
7. Claim 3 is unclear in that it contradicts claim 2 from which it is based. Claim 2 recites that the brake assembly has a brake saucer and clamping assembly, whereas claim 3 recites a brake drum and unit of horseshoes. These two elements are disclosed in the specification to be alternatives, not together in the same species as currently written in the claims, and therefore this contradiction renders the claim indefinite.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Falzoni (U.S. Patent No. 4,329,888).

Falzoni discloses a differential gear comprising all elements as claimed, including a power unit (pump 30) provided with a transmission wheel extending outward from one side; a differential gear connected with said power unit, said differential gear provided with a bevel gear (66, 68) unit in the interior, said differential gear having one outer side assembled thereon with a driven wheel, said driven wheel connected with said transmission wheel of said power unit by a belt (24) to drive said differential gear to rotate; two wheels (not shown) respectively having a transmission shaft connected to the opposite sides of said differential gear (see column 3, last full paragraph), said transmission shaft connected with said bevel gear unit of said differential gear, said bevel gear unit rotating said transmission shafts and consequently said wheels; and said driven wheel “chosen to match” as broadly recited with preset running speeds of a car, said driven wheel threadably assembled on one outer side of said differential gear.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hauser (U.S. Patent No. 5,041,067), Fogelberg (U.S. Patent No. 3,993,152), Nagano

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et al. (U.S. Patent No. 6,155,364), Harada et al. (U.S. Patent No. 6,104,154), and McIntosh (U.S. Patent No. 4,305,488) disclose differential gear units driven by a power unit and belt, and having internal bevel gears.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avraham Lerner whose telephone number is (703) 308-0423.

The examiner can normally be reached on M-F (8:15-5:45) first Wednesday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AVRAHAM LERNER
PRIMARY EXAMINER

A. Lerner 9/6/04

September 6, 2004